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**Datasheet for the decision
of 3 May 2024**

Case Number: T 0992/21 - 3.5.06

Application Number: 14713428.2

Publication Number: 3123355

IPC: G06K9/22, G06K9/00, G06F17/00

Language of the proceedings: EN

Title of invention:

SYSTEM COMPRISING AN AUDIO DEVICE AND A MOBILE DEVICE FOR
DISPLAYING INFORMATION CONCERNING THE AUDIO DEVICE

Patent Proprietor:

Sonova AG

Opponent:

Oticon A/S / GN Hearing A/S / Widex A/S

Headword:

Hearing aid information/SONOVA

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

Basis of decision - revocation of the patent at request of the
patent proprietor

Decisions cited:

T 0073/84, T 1671/17, T 1880/21

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 0992/21 - 3.5.06

D E C I S I O N
of Technical Board of Appeal 3.5.06
of 3 May 2024

Appellant:
(Patent Proprietor)

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Decision under appeal:

**Interlocutory decision of the Opposition
Division of the European Patent Office posted on
19 April 2021 concerning maintenance of the
European Patent No. 3123355 in amended form.**

Composition of the Board:

Chairman M. Müller
Members: T. Alecu
K. Kerber-Zubrzycka

Summary of Facts and Submissions

- I. The appeal lies from the decision of the Opposition Division to maintain the patent in amended form.
- II. Both parties appealed. The Opponents requested that the decision of the Opposition Division be set aside and that the patent be revoked. As an auxiliary measure they requested oral proceedings.
- III. The Proprietor initially requested that the decision of the Opposition Division be set aside and that the patent be maintained on the basis of the main request or of one of eight auxiliary requests.
- IV. The parties were summoned to oral proceedings before the Board. A communication was issued under Article 15(1) RPBA including the Board's preliminary opinion.
- V. On 15 April 2024 the Proprietor then requested the "revocation of the patent in its entirety" and withdrew its appeal.

Reasons for the Decision

1. The Proprietor's request for revocation is understood to imply a disapproval of the texts according to all requests on file. Under Article 113(2) EPC, the EPO shall consider and decide upon the patent only in the text submitted to it, or agreed by, the proprietor of the patent. As there is no text of the patent on the basis of which the board can consider the appeal the patent is to be revoked (see e.g. T 1671/17 and and a long line of case law, going back to T 73/84; see CLB

10th edition 2022, IV.D.2. with numerous references, and see T 1880/21 for a recent example).

2. In view of this, the Board does not consider holding oral proceedings to be expedient in this case, and the condition for the Opponents' request for oral proceedings does not apply.

Order

For these reasons it is decided that:

1. The decision under appeal is set aside.
2. The patent is revoked.

The Registrar:

The Chairman:



L. Stridde

Martin Müller

Decision electronically authenticated